

1AP7 Rec'd PCT/PTO 08 AUG 2006

#412874 WEMMH PTO/SB/21 (09-04)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

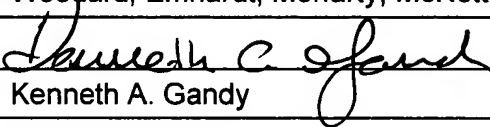
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/551,399	
	Filing Date	September 29, 2005	
	First Named Inventor	Case	
	Art Unit	Unknown	
	Examiner Name	Unknown	
Total Number of Pages in this Submission	11	Attorney Docket Number	003006-001783

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached Credit Card Payment Form  <input type="checkbox"/> Amendment Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Documents <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO-2038 SB/17 Copy of the Notification of Missing Requirements Executed Declaration
<div style="border: 1px solid black; padding: 2px;">Remarks</div>		

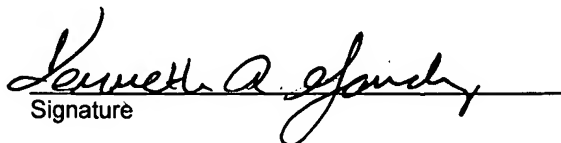
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Woodard, Emhardt, Moriarty, McNett & Henry LLP	
Signature		
Printed Name	Kenneth A. Gandy	
Date	August 4, 2006	Reg. No. 33,386

- ☒ I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as **first class mail** in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as "**Express Mail Post Office to Addressee**" in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mailing Label No. \_\_\_\_\_, on the date indicated below.
- ☐ I hereby certify that this correspondence is being **facsimile transmitted** to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on the date indicated below.

Kenneth A. Gandy  
 Typed/printed name of person signing this certificate

Signature



August 4, 2006  
 Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: ) Before the Examiner  
Case, Brian C., et al. ) Unassigned  
Application No. 10/551,399 ) Group Art Unit  
National Stage of PCT/US2004/009971 ) Unknown  
Filed: September 29, 2005 )  
PERCUTANEOUSLY DEPLOYED )  
VASCULAR VALVES ) August 4, 2006

SUBMISSION OF MISSING PARTS OF APPLICATION

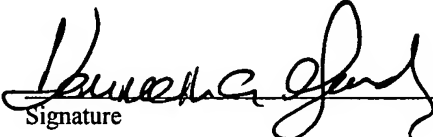
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed June 6, 2006, for the above application, Applicant submits herewith:

- 1) credit card payment Form PTO-2038 in the amount of \$130 for the late oath or declaration surcharge;
- 2) a copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), 371 Formalities Letter, Confirmation No. 3287; and

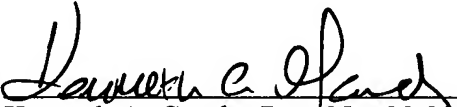
08/11/2006 GFREY1 00000056 10551399  
01 FC:1617 3) the executed declaration.  
130.00 OP

<input checked="" type="checkbox"/> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as <b>first class mail</b> in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.	
<u>Kenneth A. Gandy</u> Typed/printed name of person signing this certificate	 Signature
<u>August 4, 2006</u> Date	

Response to Missing Parts  
USSN 10/551,399  
#412833

No other fees are believed to be due; however, if any fees are deemed necessary, the Commissioner is authorized to charge such fees to Deposit Account 23-3030, but not to include the payment of any issue fees.

Respectfully submitted,

By   
Kenneth A. Gandy, Reg. No. 33,386  
Woodard, Emhardt, Moriarty, McNett & Henry LLP  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006****Complete if Known**

Application Number	10/551,399
Filing Date	September 29, 2005
First Named Inventor	Case
Examiner Name	Unknown
Art Unit	Unknown
Attorney Docket No.	003006-001783

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$130.00

**METHOD OF PAYMENT (check all that apply)**

- ☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_
- ☒ Deposit Account Deposit Account number: 23-3030 Deposit Account Name: Woodard, Emhardt, Moriarty, McNett & Henry LLP
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)  
Each independent claim over 3 (including Reissues)  
Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

**Multiple Dependent Claims**

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
-20 or HP	=-20	x	=0

HP = highest number of total claims paid for, if greater than 20

Independent Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
-3 or HP	=-3	x	=0

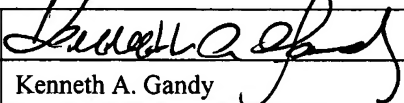
HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 C.F.R. 1.16(s).

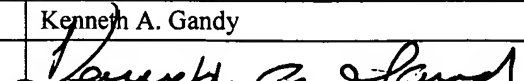
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
-100	=	/50 = (round up to a whole number)	x	0

**4. OTHER FEE(S)**Declaration Surcharge \$130.00**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	33,386	Telephone	(317) 634-3456
Name (Print/Type)	Kenneth A. Gandy	Date	August 4, 2006		

**CERTIFICATE OF MAILING OR TRANSMISSION**

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Name (Print/Type)	Kenneth A. Gandy
Signature	
Date	August 4, 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/551,399	Brian C. Case	3006-1783

INTERNATIONAL APPLICATION NO.

PCT/US04/09971

I.A. FILING DATE

04/01/2004

PRIORITY DATE

04/01/2003

30565

WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP  
 111 MONUMENT CIRCLE, SUITE 3700  
 INDIANAPOLIS, IN 46204-5137

RECEIVED

JUN 09 2006

CONFIRMATION NO. 3287

371 FORMALITIES LETTER



\*OC000000019109947\*

Date Mailed: 06/06/2006

Woodard, Emhardt, Moriarty,  
 McNett & Henry, LLP

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/29/2005
- Copy of the International Search Report filed on 09/29/2005
- Copy of IPE Report filed on 09/29/2005
- Preliminary Amendments filed on 09/29/2005
- Information Disclosure Statements filed on 05/05/2006
- Oath or Declaration filed on 09/29/2005
- Request for Immediate Examination filed on 09/29/2005
- U.S. Basic National Fees filed on 09/29/2005
- Priority Documents filed on 09/29/2005
- Specification filed on 09/29/2005
- Claims filed on 09/29/2005
- Abstracts filed on 09/29/2005
- Drawings filed on 09/29/2005



LawBase 6-9-06  
 Matter No. 3006-1783  
 Routed to: KAG / Michelle

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/551,399	PCT/US04/09971	3006-1783